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09/822,917	03/30/2001	Ronald B. Wells	13148.8	9009
21999	7590	03/05/2008		
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER GOLD, AVI M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 03/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/822,917

Applicant(s)

WELLS ET AL.

Examiner

AVI GOLD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the RCE amendment filed on December 6, 2007.

Claims 1-14 and 16-26 are pending.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al., U.S. Patent No. 6,571,245, in view of Yohe et al., U.S. Patent No. 6,339,787, further in view of Fairchild et al., U.S. Patent No. 6,728,760.

Huang teaches the invention substantially as claimed including a virtual desktop in a computer network (see abstract).

Regarding claim 1, Huang teaches a network system for managing information comprising:

a database store, in which information is stored and requested across the network system (col. 18, lines 27-46; Huang discloses a calendar sharing database);

a plurality of clients, communicatively coupled to the database store, wherein at least one of the plurality of clients makes request of information from the database store (col. 18, lines 27-46; Huang discloses users accessing another user's calendar);

information access control to control the sharing of information requested by the at least one client by maintaining a list of those clients requesting the information and forwarding updates of the information to those clients on the list only (col. 18, lines 27-46; Huang discloses users authorized to access and/or update another user's calendar).

Huang fails to teach the limitation further including the forwarding updates of the information as the updates occur to those clients on the list only, information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information.

However, Fairchild teaches optimization of the delivery of computer media over a network of computers (see abstract). Fairchild teaches the use of forwarding a notification, as an update occurs, to each user on the identification link and a user's data record including a user's media item preferences (col. 2, line 27 – col. 3, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Fairchild to forward updates of the information as the updates occur to those clients on the list only and to share and forward updates of the information as the updates occur to those clients on the list only based on registered

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interests of the clients in the information. One would be motivated to do so because it keeps the "subscribed" users instantly informed of changes.

Huang and Fairchild fail to teach the limitation further including information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing.

However, Yohe teaches an apparatus and method for increasing speed in a network file/object oriented server/client system (see abstract). Yohe teaches the use of a cache controller, cache memory and caching update, and removal of information from the cache when no longer needed (col. 3 & 4, col. 3, lines 36-65, col. 9, lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang and Fairchild in view of Yohe to use the information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing. One would be motivated to do so because it helps increase data access in a network (col. 3, line 37).

As to claims 2-4, Huang teaches the method of claim 1.

Huang fails to teach the limitation further including the information access control including a smart cache controller to manage information accessed by one or more clients, the smart cache controller storing information within cache memory and

provides caching updates to the client as the cached information is updated, and the information access control caches information requested for as long as the information is required and removes the information from cache when no longer needed by the client.

However, Yohe teaches an apparatus and method for increasing speed in a network file/object oriented server/client system (see abstract). Yohe teaches the use of a cache controller, cache memory and caching update, and removal of information from the cache when no longer needed (col. 3 & 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yohe in view of Huang to use the information access control including a smart cache controller to manage information accessed by one or more clients, the smart cache controller storing information within cache memory and provides caching updates to the client as the cached information is updated, and the information access control caches information requested for as long as the information is required and removes the information from cache when no longer needed by the client. One would be motivated to do so because it helps increase data access in a network (col. 3, line 37).

Regarding claim 5, Huang teaches the network system according to claim 1 wherein the client indicates to the information access control to remove the client from the list, thereby ending information updates to that client (col. 4, lines 31-46; Huang discloses a controller server that checks login information against a database).

Regarding claim 6, Huang teaches the network system according to claim 1 wherein the client is identified by location (col. 13, lines 15-22; Huang discloses a users personal information maintained in a central location).

Regarding claim 7, Huang teaches the network system according to claim 1 wherein the information access controller writes the changed information on the database store (col. 13, lines 31-39; Huang discloses a personal information database storing personal information of the user).

Regarding claim 8, Huang teaches a method of managing information across a client/server system comprising:

storing information on a database store managed by a server (col. 18, lines 27-46);

requesting information on the client/server system by at least one client (col. 18, lines 27-46);

granting the requested information to the requesting client (col. 18, lines 27-46);

preparing a list of clients requesting the information (col. 18, lines 27-46);

providing updates of the requested information only to those clients listed (col. 18, lines 27-46);

Huang fails to teach the limitation further including the forwarding updates of the information as the updates occur to those clients on the list only, information access

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control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information.

However, Fairchild teaches the use of forwarding a notification, as an update occurs, to each user on the identification link and a user's data record including a user's media item preferences (col. 2, line 27 – col. 3, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Fairchild to forward updates of the information as the updates occur to those clients on the list only and to share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information. One would be motivated to do so because it keeps the “subscribed” users instantly informed of changes.

Huang and Fairchild fail to teach the limitation further including information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing.

However, Yohe teaches the use of a cache controller, cache memory and caching update, and removal of information from the cache when no longer needed (col. 3 & 4, col. 3, lines 36-65, col. 9, lines 36-65).



It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang and Fairchild in view of Yohe to use the information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing. One would be motivated to do so because it helps increase data access in a network (col. 3, line 37).

Regarding claim 9, Huang teaches the method according to claim 8 further comprising the step of removing a client on the list based on the client's indication that the information is no longer needed (col. 4, lines 31-46).

Regarding claim 10, Huang teaches the method according to claim 8 further comprising the step of updating the information on the database store (col. 13, lines 31-39).

Regarding claim 11, Huang teaches the method according to claim 8 further comprising the step of storing the information client list on the server managing the requested information (col. 18, lines 27-46; Huang discloses a calendar sharing database including the list of authorized users).

Regarding claim 12, Huang teaches the method according to claim 8 wherein the information requesting step and the information updating step are asynchronous with one another (col. 18, lines 27-46).

Regarding claim 13, Huang teaches the method according to claim 8 wherein the updates are performed on a timed schedule, in a sequential manner, or according to a pre-selected schedule (col. 11, lines 62-67; col. 12, lines 1-9; Huang discloses designated update times).

As to claims 14 and 16-19, Huang teaches the method of claim 14.

Huang fails to teach the limitation further including caching the requested data as a smart cache object on the server side, forwarding to the requesting client a view of the smart cache object, providing an interface registration object to maintain a list of clients receiving a view of the smart cache object, and using instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information to those clients on the list only based upon registered interests of the clients in the information contained in the interface registration object.

However, Fairchild teaches the use of forwarding a notification, as an update occurs, to each user on the identification link and a user's data record including a user's media item preferences (col. 2, line 27 – col. 3, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Fairchild to forward updates of the information as

the updates occur to those clients on the list only and to share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information. One would be motivated to do so because it keeps the "subscribed" users instantly informed of changes.

Huang and Fairchild fail to teach the limitation further including caching the requested data as a smart cache object on the server side, forwarding to the requesting client a view of the smart cache object, providing an interface registration object to maintain a list of clients receiving a view of the smart cache object, and using instantaneous, real time smart cache refreshing.

However, Yohe teaches the use of caching data on the server side (Fig. 2A) a client making a request to a cache computer (col. 3, lines 35-65), multiple clients with a view of a cache of objects (col. 2, lines 8-18), and a caching update (col. 3, lines 36-65, col. 9, lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang and Fairchild in view of Yohe to caching the requested data as a smart cache object on the server side, forwarding to the requesting client a view of the smart cache object, providing an interface registration object to maintain a list of clients receiving a view of the smart cache object, and using instantaneous, real time smart cache refreshing. One would be motivated to do so because it helps increase data access in a network (col. 3, line 37).

Regarding claim 16, Huang teaches the method according to claim 15 further comprising the step of forwarding the updated view to each client maintained on the list (col. 13, lines 31-46).

Regarding claim 17, Huang teaches the method according to claim 14 further comprising the step of sending a request from a client to the server to remove the client from the list (col. 4, lines 31-46).

Regarding claim 18, Huang teaches the method according to claim 14 wherein the interface registration object utilizes a client location to identify a client on the list (col. 13, lines 15-22).

Regarding claim 19, Huang teaches the method according to claim 14 further comprising the step of sending update information of the data to the server maintaining the smart cache object (col. 13, lines 31-46).

Claim 22 does not teach or define any new limitations above claim 14 and therefore is rejected for similar reasons.

Regarding claim 21, Huang teaches a method of automatically organizing data and sharing data in response to a data request, comprising:

- maintaining a database store of data;
- submitting new data to the database store;

correlating the new data with data stored within the database store;  
selecting data stored within the database store based on the correlation of the new data with the stored data;  
storing the new data within the database store based on its correlation;  
sharing the selected correlated data with the source submitting the new data (col. 18, lines 27-46); and

Huang fails to teach the limitation further including the forwarding updates of the information as the updates occur to those clients on the list only, information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information.

However, Fairchild teaches the use of forwarding a notification, as an update occurs, to each user on the identification link and a user's data record including a user's media item preferences (col. 2, line 27 – col. 3, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Fairchild to forward updates of the information as the updates occur to those clients on the list only and to share and forward updates of the information as the updates occur to those clients on the list only based on registered interests of the clients in the information. One would be motivated to do so because it keeps the "subscribed" users instantly informed of changes.

Huang and Fairchild fail to teach the limitation further including information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing.

However, Yohe teaches the use of a cache controller, cache memory and caching update, and removal of information from the cache when no longer needed (col. 3 & 4, col. 3, lines 36-65, col. 9, lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang and Fairchild in view of Yohe to use the information access control including a smart cache controller to manage information accessed by one or more clients, and wherein the smart cache controller uses instantaneous, real time smart cache refreshing. One would be motivated to do so because it helps increase data access in a network (col. 3, line 37).

Regarding claim 23, Huang teaches the method according to claim 21 including the step of generating a list of each client receiving the selected correlated data (col. 18, lines 27-46).

Regarding claim 24, Huang teaches the method according to claim 23 updating the selected correlated data that has changed to each client on the list (col. 13, lines 31-46; Huang discloses updated information sent to a local PC).

Regarding claim 25, Huang teaches the method according to claim 24 wherein the data updating is done asynchronously on the client/server (col. 18, lines 27-46).

3. Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Yohe, and Fairchild further in view of Schlueter, Jr. et al., U.S. Patent No. 6,122,351.

Huang teaches the invention substantially as claimed including a virtual desktop in a computer network (see abstract).

As to claim 20, Huang teaches the method of claim 14.

Huang fails to teach the limitation further including that the client/server is maintained within a medical office facility.

However, Schlueter teaches a method and system aiding medical diagnosis and treatment (see abstract). Schlueter shows evidence of the use of a client/server within a medical office.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Schlueter to use a client/server within a medical office. One would be motivated to do so because it allows for a more efficient medical records information system.

As to claim 26, Huang teaches the method of claim 21.

Huang fails to teach the limitation further including that the data is related to healthcare provider information for medical and health care offices.

However, Schlueter shows evidence of the use of a data related to healthcare provider information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Schlueter to have data related to healthcare provider information. One would be motivated to do so because it allows for a more efficient patient information system.

#### ***Response to Arguments***

4. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant seems be misunderstanding the previous rejection regarding which reference discloses forwarding updates of the information as the updates occur. Huang teaches forwarding updates on, col. 18, lines 27-46, and Fairchild teaches a notification being forwarded when an update occurs on, column 2, line 27 through column 3, line 28. The combination of Fairchild and Huang teaches forwarding updates



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of the information as the updates occur. In addition, the examiner has altered the rejection to make this portion clearer.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Regarding the combination of Huang and Fairchild, the knowledge is generally available to one of ordinary skill in the art; this is also shown in the cited column and line numbers in Fairchild. Regarding the combination of Yohe and Huang the motivation is found in the Yohe reference on column 3, lines 37. The applicant continues to look at the combination of arts separately. A 103 rejection is to be viewed as a whole. The use of Yohe for increased data access, in the network of Huang, for calendar sharing between users over a network is a proper motivation for the combination of these references. The examiner would like to suggest that the applicant review *KSR International Co. v. Teleflex Inc. et al.*, in regards to the current legal standards for establishing obviousness.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

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within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In addition, the Yohe reference does not teach away from forwarding updates as they occur. The reference only teaches a different method; that different method would not exclude or teach away from the method shown in Fairchild.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,021,470 to Frank et al.

U.S. Pat. No. 6,026,413 to Challenger et al.

U.S. Pat. No. 5,878,213 to Bittinger et al.

U.S. Pat. No. 6,687,698 to Nixon et al.

U.S. Pat. No. 5,627,967 to Dauerer et al.

U.S. Pat. No. 6,185,625 to Tso et al.

U.S. Pat. No. 6,345,300 to Bakshi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

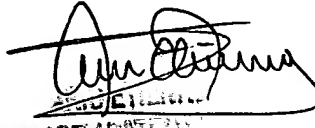
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

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AMG



A handwritten signature in black ink, appearing to read "Ario Etienne", is written over a rectangular stamp. The stamp contains the text "SUPERVISOR/PATENT" and "TECHNOLOGY" in a bold, sans-serif font.